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1101 CONNECTICUT AVENUE N W
WASHINGTON, DC 20036

OCT 05 2000

OFFICE OF PETITIONS
AND APPEALS

In re Application of
Appleyard, Langhauser, Horton, Hingmann,
Schweier, Rauschenberger, Hennig, Lilge,
Schone, and Kersting
Application No. 09/275,771
Filed: 25 March, 1999
Attorney Docket No. 48903/SEE

:
:
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
:
:
:

This is in response to the petition under 37 CFR 1.47(a)¹ filed on 30 June, 1999.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Stefan Seelert and the transmittal letter from BASF Aktiengesellschaft to non-signing joint inventor Horton establishes that the non-signing inventor was mailed a copy of the application papers but orally refused to execute the declaration. Furthermore, in the handwritten memorandum with a facsimile receipt date of 21 April, 1999, the non-signing joint inventor refused to sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

¹ A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C.

§§ 115 and 116;

- (3) the petition fee; and
(4) a statement of the last known address of the non-signing inventor.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at 703-308-6918.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan".

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 6

Murray Horton
53 Coppice Road
Willaston
Nantwich
Cheshire
CW5 6QD
Great Britain

AIR MAIL

COPY MAILED

OCT 05 2000

OFFICE OF PETITIONS
A/C PETENTS

In re Application of
Appleyard et al.
Application No. 09/275,771
Filed: 25 March, 1999
For: Random Propylene Copolymers

Dear Mr. Horton:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

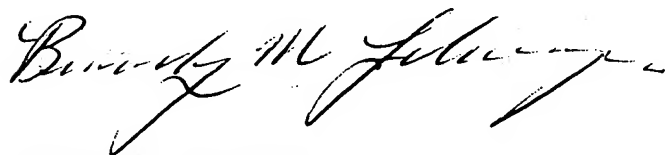
As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Douglas I. Wood at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a

Application No. 09/275,771

2

specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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WASHINGTON, DC 20036

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

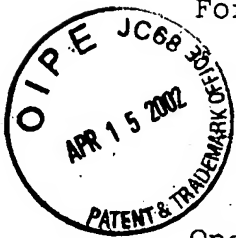
In re Application of

Appleyard et al

Serial No. 09/275,771

Filed: March 25, 1999

For: RANDOM PROPYLENE COPOLYMERS



DECLARATION TO ACCOMPANY PETITION UNDER 37 CFR 1.47(a)

One of the inventors of the invention of the present application, Murray Horton, refuses to sign the Declaration. At the time of the invention, Mr. Horton was an employee of BASF plc, Great Britain. He subsequently became an employee of Targor Limited ("Targor"). On January 13, 1999 the specification including claims and drawings was forwarded to Mr. Horton. On January 15, 1999 the application papers to be signed were forwarded to inventor David Appleyard, who also became an employee of Targor, with the request to pass them on to Mr. Horton. Because there was no response, on approximately February 10, 1999 the application papers to be signed were additionally forwarded to Mr. Horton with the request to pass them on to Mr. Appleyard.

In a letter of April 12, 1999 (enclosed), Mr. Appleyard informed me that Mr. Horton had left the employ of Targor and refuses to sign the Declaration. On approximately April 16, 1999 I telephoned Mr. Horton and he informed me that he would not sign the Declaration. On May 21, 1999 I sent a further letter to Mr. Horton (enclosed) with the request for him to sign by June 20, 1999. However, until now I have not got any answer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements are made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at 67056 Ludwigshafen, Germany, this 25th day of June, 1999.


Stefan Seelert, BASF Aktiengesellschaft

Dr Stefan Seibert.

15. APR. 1999



12 April
1999.

Patent Applicⁿ No 02 48903.

Dear Stefan—

Documents from Fran Weinert have been signed and returned to her.

Sorry about the delay but they were sent first to Murray Horton (who now works for Ciba) and he does not wish to sign — his reply to our secretary at Wilton (Linda Sletten) is enclosed.

I hope this poses no problems to you in getting the patent filed.

I'm always glad to help so if there's anything I can do, please send a note to Wilton.

Very best wishes — oder wäre es viel besser ein wenig Deutsch zu besitzen? :-

Mit freundlichen Grüßen

David

Dr David Appleyard

Ich bin Staatsangehöriger von Großbritannien
nicht Deutschland

I've corrected this where necessary & signed alongside so I hope that's valid.

Targor Limited
Novclen
PO Box 5
Wilton Site
Middlesbrough
TS6 8YU
Tel: 01642 443000

Registered Office:
PO Box 4
Earl Road
Cheadle Hulme
Stockport
SK8 6QG

Registered Number:
3370392

Ciba Specialty Chemicals PLC
United Kingdom

Additives

India

Please find enclosed documents
unsigned. I stated in my last
correspondence that having

Ciba

With compliments

left the employ of Targor I did
not wish to assign my patent
rights.

Charter Way, Macclesfield
Cheshire SK10 2NX

Tel. 01625 665000
Fax 01625 502674

Best regards Murray.

BASF Aktiengesellschaft · D-67056 Ludwigshafen

Patente, Marken und Lizenzen
Patents, Trademarks & Licenses

Mr. Murray Horton

53 Coppice Road
Willaston
Nantwich
Cheshire
CW5 6QD

Great Britain

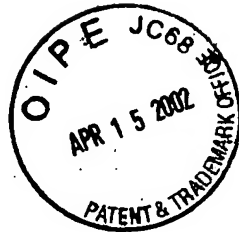
21.05.99

Dr. Seelert

ZDX/T - C 6

Tel. (0621) 60-4 30 59

Fax (0621) 60-2 19 25



RE: O.Z. 0050/48903/See
Patent Application in US and South Africa

Dear Mr. Horton:

You are one of the inventors of the abovementioned application.

You were employed by BASF plc at the date of the invention. Please be reminded that the first notification of the invention, the "NAE", entered the patent department of BASF Aktiengesellschaft on October 7, 1996.

According to the provisions of the service contract of BASF plc and according to British law, the right to an invention of an employee of BASF plc is automatically assigned to BASF plc. BASF plc assigned its share of the inventions related to O.Z. 0050/48903/See to BASF Aktiengesellschaft by an assignment declaration dated September 25, 1997. Therefore, BASF Aktiengesellschaft was entitled to file the priority application in Germany.

According to national law in US and South Africa the inventors have additionally to assign their share of the invention on a special form for applications in these countries. Because of the abovementioned legal situation you are obliged to assign your share of the invention to BASF Aktiengesellschaft. However, you refused to sign the application papers and confirmed this decision by phone to me.

Telefon (0621) 60-0 (Vermittlung)
Telefax (0621) 60-4 25 25 (Zentrale)
Telex 46 499-0 bas d (Vermittlung)

Bankverbindung:
Landeszentralbank 67008 Ludwigshafen,
Girokonto 54 507 300 (BLZ 545-000 00)
Sitz der Gesellschaft:
67056 Ludwigshafen, Deutschland
Registergericht: Amtsgericht Ludwigshafen,
Eintragungsnummer: HRB 2000

Aufsichtsratsvorsitzender: Hans Albers
Vorstand: Jürgen Strube, Vorsitzender;
Hanns-Helge Stechl, stellv. Vorsitzender;
Helmut Becks; Jürgen Hambrecht;
Max Dietrich Kley; Stefan Marcinowski;
Peter Oakley; Volker Trautz;

Since you are obliged to sign and principally the rights are already with us, for ease of prosecution we kindly ask you again to sign the attached application papers and send them back to us not later than June 20, 1999.

Very truly yours,

BASF Aktiengesellschaft
Patents, Trademarks & Licenses

See i.V.  ppa. Stark

i.V. Cimniak

ppa. Stark

Attachment
US specification including claims and drawings
Declaration and assignments